

City Council Introduction: **Monday**, January 27, 2003
Public Hearing: **Monday**, February 3, 2003, at **1:30 p.m.**

Bill No. 03R-29

FACTSHEET

TITLE: **WAIVER OF DESIGN STANDARDS NO. 02024**, requested by Menard, Incorporated, to waive the ornamental street lighting standards for the Cather Addition administrative final plat, on property generally located at North 27th Street and Cather Road.

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 01/08/03
Administrative Action: 01/08/03

RECOMMENDATION: Approval (8-0: Carlson, Duvall, Larson, Newman, Schwinn, Krieser, Bills-Strand and Taylor voting 'yes'; Steward absent).

FINDINGS OF FACT:

1. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4, concluding that the existing parking lot lighting is sufficient to justify the waiver of street lighting along the private roadway.
2. On January 8, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 21, 2003

REVIEWED BY: _____

DATE: January 21, 2003

REFERENCE NUMBER: FS\CC\2003\WDS.02024

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards # 02024

DATE: December 16, 2002

SCHEDULED PLANNING COMMISSION MEETING:

DATE: January 8, 2003

PROPOSAL: Waive the ornamental street lighting standards for Cather Addition.

LAND AREA: 25.00 acres more or less

CONCLUSION: The existing parking lot lighting is sufficient to justify the waiver of street lighting along the private roadway.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Cather Addition, located in the west half of Section 7, Township 10 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska.

LOCATION: North 27th Street and Cather Road.

APPLICANT: Menard, Incorporated.
4777 Menard Drive
Eau Claire, WI 54703-9625

OWNER: Same as Applicant.

CONTACT: Theron J. Berg
Corporate Counsel, Menard, Inc.
Properties Division
4777 Menard Drive
Eau Claire, WI 54703-9625
(715) 876.5911

EXISTING ZONING: B-5 Planned Regional Business

EXISTING LAND USE: Home improvement center and lumber yard, bank, retail

SURROUNDING LAND USE AND ZONING:

North:	Salt Creek channel	I-1 Industrial
	Retail, Industrial, vacant	I-1 Industrial
South:	Retail	B-5 Planned Regional Business

East:	Dead Man's Run channel	I-1 Industrial
	Retail, Industrial, vacant	I-1 Industrial
West:	Salt Creek channel	I-1 Industrial
	Public Utility	P Public Use
	Retail, Industrial	I-1 Industrial

HISTORY:

Sep 2002	Letter from Law Department to Menard, Inc. requesting completion of ornamental street lighting or, in the alternative, that Menard, Inc. request a waiver of the lighting requirement.	
Jun 1995	Administrative Amendment 95037 to Use Permit 56 to adjust location of the Menard's building, parking area, loading area, and seasonal tent locations.	
Mar 1995	Administrative Final Plat 94070 Cather Addition created 3 lots and private internal roadways.	
Jan 1995	Administrative Amendment 95001 to Use Permit 56A to add canopy with overhead doors, display area in front of building, entrance canopy, temporary seasonal display area, and revised fence dimensions for Menard's.	
Oct 1994	Administrative Amendment 94070 to Use Permit 56A to adjust Menard's building location.	
Apr 1992	Change of Zone 2657 approved a change from I-1 Industrial and H-3 Highway Commercial to B-5 Planned Regional Business.	
Mar 1992	Use Permit 56 approved Cather Addition, a 425,000 sq. ft. regional retail center.	
1979 Zoning Update	Zoning designation changed from K Light Industrial and H-2 Highway Business to I-1 Industrial and H-3 Highway Commercial.	

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan contemplates this area to remain Commercial. (F 25)

The 2025 Comprehensive Plan identifies the Salt Creek corridor, which abuts this property to the north, as a Core Resource Imperative as part of Greenprint Challenge. (F 54)

UTILITIES: Public utilities are available.

TRAFFIC ANALYSIS: The current and future classification of North 27th Street is Principle Arterial. Cather Road, North 28th Street, and Menard Drive are private roadways within this property.

ANALYSIS:

1. This is a request to waive the ornamental street lighting requirements along private roadways within Lot 2, Cather Addition.
2. As part of Administrative Final Plat #94070, Applicant posted bond in the amount of \$3,000 to guarantee the completion of private ornamental street lighting. The scheduled completion date of such work was March 8, 1997. Records indicate lights were not installed and this bond has not been released.
3. Public Works Department has no objection to this waiver based upon the amount of parking lot lighting that already exists in this area of Cather Addition.
4. Building and Safety has no objection to this waiver.

Prepared by:

Greg Czaplewski
Planner

WAIVER OF DESIGN STANDARDS NO. 02024

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

January 8, 2003

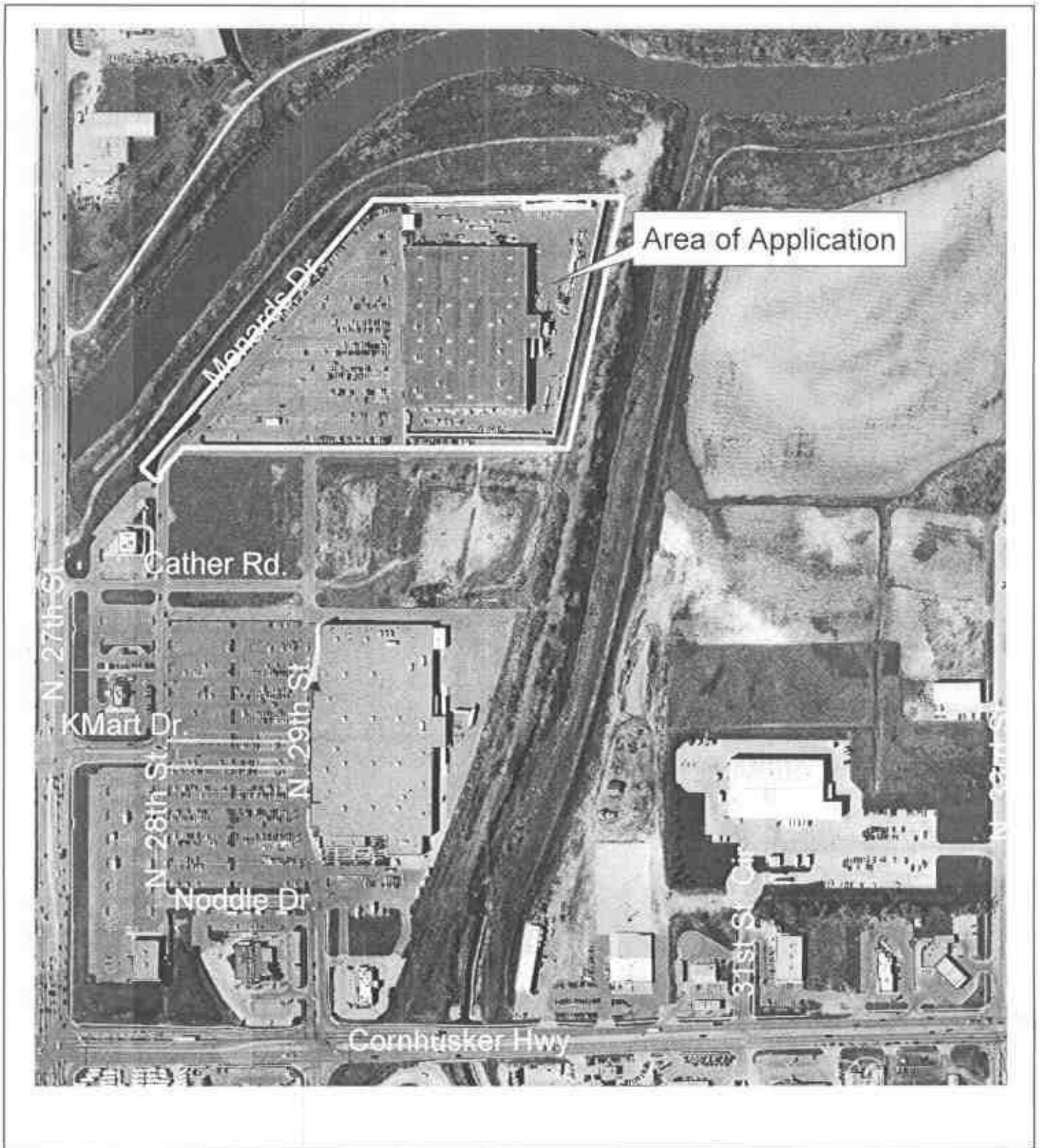
Members present: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Bills-Strand and Taylor; Steward absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 1610C; SPECIAL PERMIT NO. 1994; FINAL PLAT NO. 02019, NORTHERN LIGHTS 11TH ADDITION; FINAL PLAT NO. 02036, EDENTON NORTH 11TH ADDITION; FINAL PLAT NO. 02047, SHADOW PINES 3RD ADDITION; COMPREHENSIVE PLAN CONFORMANCE NO. 02011; COMPREHENSIVE PLAN CONFORMANCE NO. 02012; COMPREHENSIVE PLAN CONFORMANCE NO. 02013; COMPREHENSIVE PLAN CONFORMANCE NO. 02014; and WAIVER OF DESIGN STANDARDS NO. 02024.**

Item No. 1.6, Comprehensive Plan Conformance No. 02011; Item No. 1.7, Comprehensive Plan Conformance No. 02012; Item No. 1.8, Comprehensive Plan Conformance No. 02013; and Item No. 1.9, Comprehensive Plan Conformance No. 02014, were removed from the Consent Agenda at the request of Commissioner Newman and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Newman and carried 8-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Bills-Strand and Taylor voting 'yes'; Steward absent.

Note: This is final action on Special Permit No. 1994, Northern Lights 11th Addition Final Plat No. 02019, Edenton North 11th Addition Final Plat No. 02036, and Shadow Pines 3rd Addition Final Plat No. 02047, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

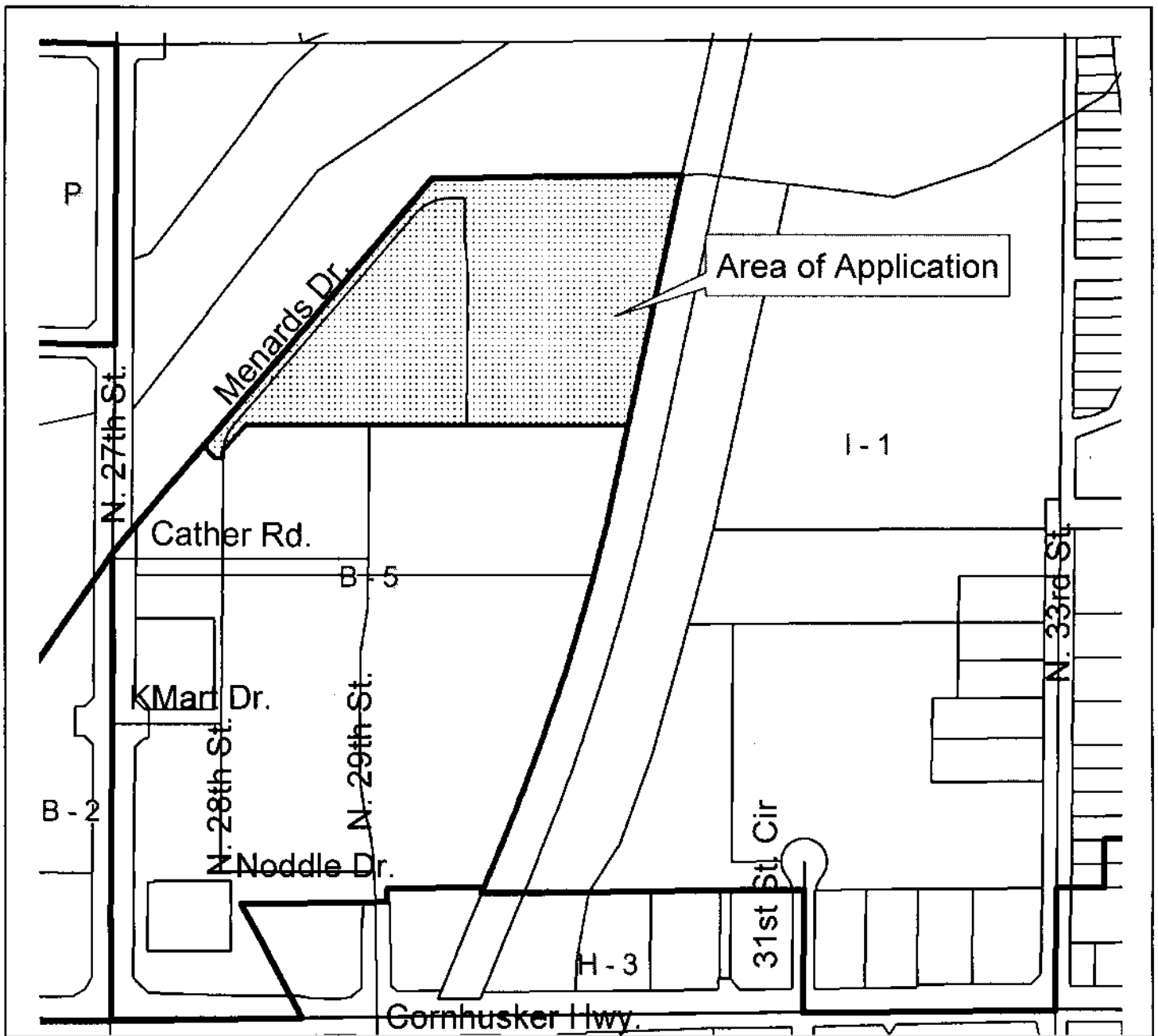


Waiver of Design Standards #02024
N. 27th St. & Menard Drive



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Lincoln City - Lancaster County Planning Dept.
1999 aerial



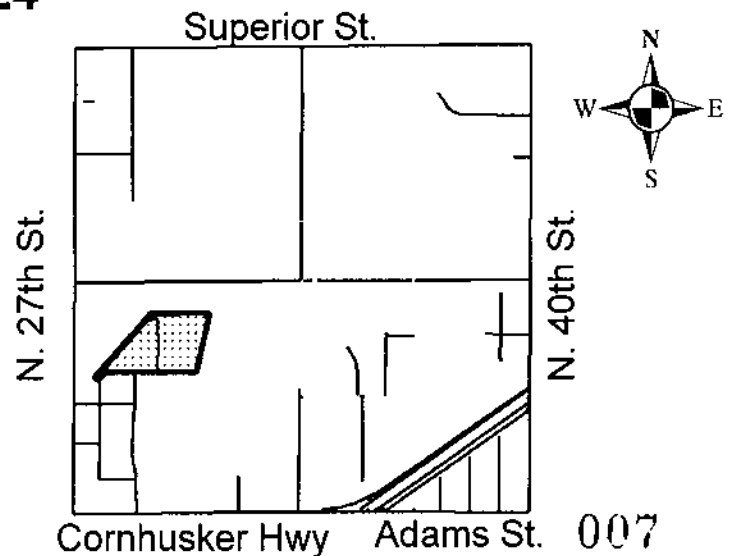
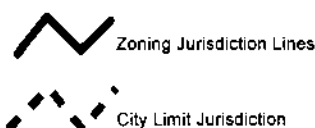
Waiver of Design Standards #02024

N. 27th St. & Menard Drive

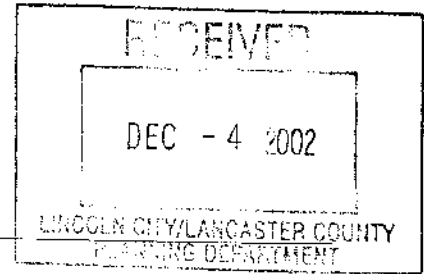
Zoning:

One Square Mile
Sec. 7 T10N R7E

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District



M e m o r a n d u m



To: Greg Czaplewski, Planning Department
From: Charles W. Baker, Public Works and Utilities *CB*
Subject: Waiver of Design Standards #02024, Cather Addition Ornamental Street Lighting
Date: December 3, 2002
cc: Randy Hoskins
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for a waiver of the street lighting in Cather Addition located northeast of North 27th and K-Mart Drive. The road system in this addition is "private" and according to Nobel records, bonds were not posted for street lighting with the development in 1997 with the other improvements. Public Works has no objection to the requested waiver based on the amount of parking lot lighting that already exists in this area of Menards and ShopKo.



Nebraska's Capital City

25 September 2002

Mr. Theron J. Berg
Corporate Counsel
Menard Inc.,
4777 Menard Drive
Eau Claire, WI 54703

RE: Cather Addition

Dear Mr. Berg,

Upon further investigation the Sidewalk Inspector for the City of Lincoln has confirmed that he has resolved the need for a short section of sidewalk along 27th Street and that there is no longer a need for this sidewalk. He has initiated an Executive Order to release the Escrow.

However, in the meantime, the conditions of approval of this plat required ornamental lighting to be installed within the subdivision, for example along Menard Drive. These lights have not been installed and you will need to contact LES (Lincoln Electrical System) to design the required lighting. If you do not see the need for this requirement then an alternative would be to request a waiver of the design standards completely. To do this please send a letter, with your request, directly to the Planning Director of the City of Lincoln and please send a copy to me.

If you have any questions please contact me at (402) 441 8128.

Yours truly,

N M Vejnovich

Nina Vejnovich
Paralegal

cc Rick Peo
Assistant City Attorney

Law Department / Dana W. Roper, City Attorney / 575 South 10th Street / Suite 4201 / Lincoln, Nebraska 68508
Phone: 402-441-7281, Civil Fax: 402-441-8812, Pros. Fax: 402-441-8813 / Website: www.ci.lincoln.ne.us

Ernest R. (Rick) Peo III, Chief Assistant / John C. McQuinn II, Chief Prosecutor / Richard C. Anderson, Police Legal Advisor
Civil: James D. Faumon / Don W. Taute / Steven J. Huggenberger / Joel D. Pedersen / Connor L. Reuter / Margaret M. Blatchford / Tonya L. Skinner
Prosecution: Patrick C. Campbell / Christine A. Loseke / Rob E. Staples / Marcee A. Shell

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